

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number:	43D 216237-00 STATEMENT OF CLAIM
Version:	1 -- ORIGINAL RIGHT
Version Status:	ACTIVE
Owners:	<div>MICHAEL L SCHARA PO BOX 98 LAUREL, MT 59044-0098</div> <div>JOANNE M VANDENBROEK PO BOX 98 LAUREL, MT 59044-0098</div> <div>GORDON GALARNEAU 2601 E AMERICAN BLVD MINNEAPOLIS, MN 55425</div> <div>RINDA GALARNEAU 2601 E AMERICAN BLVD MINNEAPOLIS, MN 55425</div> <div>DONALD J BLYTON 816 KYHL LN BILLINGS, MT 59105</div> <div>SHARON J BLYTON 816 KYHL LN BILLINGS, MT 59105</div> <div>COLE, JR & SONS 150 FINGER BUTTES TRAIL ALZADA, MT 59311</div> <div>PODOLAK, RONALD F LIVING TRUST RONALD, F PODOLAK TRUSTEE PO BOX 1212 LAUREL, MT 59044</div> <div>PODOLAK, DONNA JEAN LIVING TRUST PODOLAK, DONNA JEAN TRUSTEE PO BOX 1212 LAUREL, MT 59044</div> <div>TODD A ZINNE 3 BRIDAL TRAILS DR JOLIET, MT 59041</div> <div>LEE ANN ZINNE 3 BRIDAL TRAILS DR JOLIET, MT 59041</div> <div>OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY BE SPLIT INTO SEPARATE WATER RIGHTS AFTER FINAL DECREE UPON REQUEST OF THE OWNERS.</div>
Priority Date:	APRIL 20, 1893
Enforceable Priority Date:	APRIL 20, 1893
Type of Historical Right:	DECREED
Purpose (use):	IRRIGATION
Maximum Flow Rate:	1.00 CFS
Maximum Volume:	422.45 AC-FT
	THE VOLUME QUANTIFICATION ON THIS CLAIM IS THE RESULT OF A STIPULATION FILED BY THE PARTIES WITH THE WATER COURT ON 03/27/96. THE COURT HAS MADE NO DETERMINATION AS TO THE NEED FOR A VOLUME QUANTIFICATION ON THIS CLAIM AS PROVIDED FOR IN 85-2-234 (6) (B) (III) M.C.A.
Climatic Area:	1 - HIGH
Maximum Acres:	55.00
Source Name:	ROCK CREEK
Source Type:	SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESESW	7	4S	23E	CARBON

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: DUTTON CANAL

DITCH NAME: DUTTON DITCH

Period of Use: APRIL 1 to OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	10.00	1		4	4S	23E	CARBON
2	40.00		SENE	4	4S	23E	CARBON
3	5.00		NESE	4	4S	23E	CARBON
Total:	55.00						

Geocodes/Valid:	10-0624-04-1-04-02-0000 - Y	10-0624-04-1-04-03-0000 - Y
	10-0624-04-1-04-04-0000 - Y	10-0624-04-1-04-06-0000 - Y
	10-0624-04-1-04-07-0000 - Y	10-0624-04-1-04-08-0000 - Y
	10-0624-04-1-04-09-0000 - Y	10-0624-04-1-04-10-0000 - Y
	10-0624-04-1-04-11-0000 - Y	10-0624-04-1-04-12-0000 - Y
	10-0624-04-1-04-14-0000 - Y	10-0624-04-1-04-15-0000 - Y
	10-0624-04-1-04-16-0000 - Y	10-0624-04-1-04-32-0000 - Y
	10-0624-04-1-04-33-0000 - Y	10-0624-04-1-04-34-0000 - Y
	10-0624-04-1-04-35-0000 - Y	10-0624-04-1-04-36-0000 - Y
	10-0624-04-1-04-37-0000 - Y	10-0624-04-1-04-38-0000 - Y
	10-0624-04-1-04-39-0000 - Y	10-0624-04-1-04-40-0000 - Y
	10-0624-04-1-04-41-0000 - Y	10-0624-04-1-04-42-0000 - Y
	10-0624-04-1-04-43-0000 - Y	10-0624-04-1-04-44-0000 - Y
	10-0624-04-1-11-01-0000 - Y	

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

5613-00 5614-00 216237-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. W005613-00.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/01/98.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 11/08/99.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 35500 RECEIVED 02/09/2006.
OWNERSHIP UPDATE TYPE 608 # 35498 RECEIVED 02/09/2006.
OWNERSHIP UPDATE TYPE 608 # 40415 RECEIVED 08/02/2006.
OWNERSHIP UPDATE TYPE 608 # 40374 RECEIVED 08/02/2006.
OWNERSHIP UPDATE TYPE 608 # 49676 RECEIVED 08/31/2007.
OWNERSHIP UPDATE TYPE DOR # 81629 RECEIVED 02/23/2009.
OWNERSHIP UPDATE TYPE DOR # 150282 RECEIVED 08/13/2012.
OWNERSHIP UPDATE TYPE DOR # 110385 RECEIVED 12/20/2012.
OWNERSHIP UPDATE TYPE DOR # 122351 RECEIVED 06/24/2014.
OWNERSHIP UPDATE TYPE DOR # 144240 RECEIVED 05/21/2015.
OWNERSHIP UPDATE TYPE DOR # 141782 RECEIVED 03/22/2016.

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 155.00 MINER'S INCHES DECREED IN CASE NO. 275, CARBON COUNTY. W197749-00, W216237-00.

CLAIM WAS NOT INCLUDED IN THE BASIN 43D TEMPORARY PRELIMINARY DECREE ISSUED 06/09/93.